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U.S. COURTS

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REC'D FILED CAMERON S. BURKE IDAHO

Attorneys for Richard Crawforth, Trustee

## FOR THE DISTRICT OF IDAHO

In the matter of:	)	
	) Case No. 99-01804	
GARY NED GREGERSON,	)	· · ·
and LISA LYNN GREGERSON,	) MOTION TO SELL PROPERT	
Debtors.	) OF THE ESTATE FREE AND	
	) OF ALL INTERESTS THEREII ) AND NOTICE OF HEARING	N
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COMES NOW the Chapter 7 Trustee, Richard Crawforth, by and through his counsel of record, Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., and moves the court, pursuant to Section 363 (b) (1), Title 11, U.S.C., Local Bankruptcy Rule 2002.1, and Federal Rule of Bankruptcy Procedure 2002 (a) and 6004, for an order authorizing the Trustee to sell the below-described property at a private sale to the Debtors for the total purchase price of \$20,000. In support of this motion, the Trustee respectfully represents as follows:

MOTION TO SELL PROPERTY OF THE ESTATE FREE AND CLEAR OF ALL INTERESTS THEREIN AND NOTICE OF HEARING- 1

- Petition Date. A petition for relief pursuant to Chapter 7 of the U.S. Bankruptcy
   Code was filed on July 15, 1999.
- 2. <u>Description of Property to be sold</u>. The property to be sold consists of all shares of stock ("Stock") owned by the Debtors, Gary Gregerson and Lisa Gregerson, in Gary Gregorson, M.D., P.A., an Idaho professional corporation ("Professional Corporation"). It is the Trustee's understanding that the Debtors own all the outstanding shares of stock in the Professional Corporation.
  - 3. Type of Sale. The sale is to be a private sale to the Debtors.
- 4. <u>Time and Place of Sale</u>. The sale is to occur upon the court entering an order approving this motion.
- 5. <u>Terms of Sale</u>. The Debtors are to pay to the Chapter 7 Trustee, Richard Crawforth, the total sum of \$20,000, which is to be paid in cash at closing. The \$20,000 is currently being held in Randal French's trust account pending bankruptcy court approval.
- 6. Treatment of Existing Liens. The Trustee is unaware of any liens or encumbrances that are on the Stock, but in the event any such liens or encumbrances exist, the Stock is to be sold to the Debtors free and clear of all such liens or encumbrances with all valid liens to attach to the sale proceeds.
- 7. Authority for Conducting Sale. The Trustee has the power and authority pursuant to Section 363 (b) (1) and the Federal Rule of Bankruptcy Procedure 6004 to sell the Stock upon court approval.

- 8. Estimated Fair Market Value of the Property. The Trustee believes that the fair market value of the Stock is equal to or less than the sum of \$20,000. The Trustee has reviewed the Professional Corporation's balance sheet, assets, liabilities, and income statements, and has determined that the outstanding lease obligations and other liabilities equal or exceed the value of the corporation's assets. However, the Trustee believes that the Professional Corporation has some goodwill, and thus has agreed to sell the Stock for the estimated of this value of this goodwill in the sum of \$20,000.
- 9. <u>Objections</u>. Any objections to the Trustee's proposed sale of the Stock shall be filed with the court, Debtors' counsel, Randal J. French, 733 N. 7<sup>th</sup> Street, Boise, Idaho 83701, and the Chapter 7 Trustee's counsel, Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., 300 N. 6<sup>th</sup>, P.O. Box 1368, Boise, Idaho 83701.
- 10. Best Interests of the Estate. It is in the best interests of the Chapter 7 bankruptcy estate that the Stock be sold as outlined hereinabove.

WHEREFORE, the Chapter 7 Trustee prays for an order of this court authorizing her to sell the Stock free and clear of all liens pursuant to 11 U.S.C. § 363 (b) (1) of the U.S. Bankruptcy Code, and for such other and further relief as the court deems just and proper in the premises.

## **NOTICE OF HEARING**

Please take notice that the Chapter 7 Trustee, Richard Crawforth, will bring the above motion for hearing before this court on the 16th day of August, 2000, at the hour of 1:30 p.m. o'clock, or as soon thereafter as the counsel may be heard, in the United States Courtroom, Federal Building, 550 W. Fort Street, Boise, Idaho.

DATED this 201 day of July, 2000.

EBERLE, BERLIN, KADING, TURNBOW & McKLVEEN, CHARTERED

Kimbell D. Gourley
Attorneys for Trustee

MOTION TO SELL PROPERTY OF THE ESTATE FREE AND CLEAR OF ALL INTERESTS THEREIN AND NOTICE OF HEARING- 4

## **VERIFICATION**

STATE OF IDAHO	)
	: SS
County of Ada	)

Richard Crawforth, being first duly sworn, deposes and says:

That he is the Chapter 7 Trustee herein, that he has read the foregoing document, knows the contents thereof, and believes the same to be true and correct to the best of

his information, knowledge and belief.

RÍCHARD ÞÁAWFOÆTH

SUBSCRIBED AND SWORN to before me this  $\frac{2}{2}$  day of July, 2000.

Notary Public for Idaho

Residing at \_\_\_\_\_

Commission expires:\_\_\_

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MOTION TO SELL PROPERTY OF THE ESTATE FREE AND CLEAR OF ALL INTERESTS THEREIN AND NOTICE OF HEARING- 5